

CLASSIFICATION OFFICE DECISION

Title of publication: 05

Other known title(s): Not stated

OFLC ref: 1700393.004

Medium: Computer Image File

Publisher: Not stated

Country of origin: Not stated

Language: English

Applicant: Commissioner of Police

Classification:	Objectionable except if the availability of the publication is restricted to persons who have attained the age of 18 years.
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Descriptive note: None

Display conditions: None

Date of entry in Register: 14 August 2017

Date of direction to issue a label: No direction to issue a label has been issued

Date of notice of decision: 11 August 2017

Summary of reasons for decision:

The computer image file is a sexually explicit cartoon image depicting characters from a well-known animated television series. The image does not meet the high threshold of s3(2)(a) of the Films, Videos, and Publications Classification Act 1993 in terms of promoting or supporting the exploitation of children or young persons. It does depict sexual conduct involving children or young persons to a degree, but in a manner that distorts their bodies and sexual characteristics to those of older characters. It is classified R18 because it is so sexually explicit and likely to harm the attitudes and behaviour of children and teenagers who are impressionable and still forming their sexual identities and understanding of sexual behaviour. The classification is the least interference with the right to freedom of expression affirmed under the New Zealand Bill of Rights Act 1990 that can be applied in the circumstances, and is a reasonable restriction in order to prevent likely injury to the public good.